
	GAITHERSBURG POLICE DEPARTMENT		
	Vehicular and Fresh Pursuits		
	GENERAL ORDER 622.1	Related CALEA Standards: 1.3.1, 1.3.2, 33.1.1, 33.5.2, 41.2.1, 41.2.2, 41.3.1, 41.3.3, 82.2.4, 81.2.5, 82.3.5	
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Authorized by: Mark P. Sroka CHIEF OF POLICE		SIGNATURE <i>Mark Sroka</i>	DATE 11/16/2016

I. PURPOSE

Due to the inherent dangers involved in pursuit situations, a policy regarding the operation of police vehicles under emergency circumstances requires the consideration of two basic issues – (1) the protection of the public by apprehending serious offenders who may not otherwise be caught if not pursued and (2) the safety of pursuing officers and others using thoroughfares where the pursuit is taking place. This policy and its accompanying procedures are intended to prescribe the actions of officers before, during and after pursuits, while maximizing safety.

II. POLICY

This policy is designed to protect officers of this Department and the public from the hazards of high-speed pursuits and to provide legal and departmental guidelines for the benefit of officers. Maryland law does not relieve the operator of an emergency vehicle from driving with due regard for the safety of all people; the operator may be held liable for negligence. Sworn supervisors and duty commanders will take immediate control of pursuits in progress to ensure adherence to law and Departmental regulations. All sworn officers will receive periodic training on the policies and guidelines in this directive.

III. DEFINITIONS

A. Vehicular Pursuit

Within the context of this directive, the term “vehicular pursuit” refers to an active attempt by an officer in a vehicle to apprehend an occupant of a moving motor vehicle who exhibits a clear intention to avoid apprehension by:

1. Maintaining elevated speed;
2. Increasing speed; or
3. Using evasive tactics.

This does not include a driver who is maintaining a safe and legal speed and following all rules of the road but fails to stop at police direction.

Additionally, officers should be reasonably certain that the fleeing driver knows of their presence.

B. Felony of a Violent Type

Within the context of this directive, the term “felony of a violent type” refers to a felony that involves the infliction or threatened infliction of serious physical injury or death.

C. Serious Physical Injury

Within the context of this directive, the term “serious physical injury” refers to any injury that:

1. Creates a substantial risk of death; or
2. Causes permanent or protracted serious:
 - a. Disfigurement;
 - b. Loss of the function of any bodily member or organ; or
 - c. Impairment of the function of any bodily member or organ.

D. Surveillance Mode

Within the context of this directive, the term “surveillance mode” refers to the unauthorized tactic of continuing to follow a vehicle that is fleeing from officers without emergency lights and sirens.

E. Actively Participates

Within the context of this directive, the term “actively participates” refers to an officer who is involved in a vehicle pursuit. This includes all types of participation in which the officer is following the offender and the pursued vehicle is within sight of the participating officer. This does not include officers who are not involved in pursuing the vehicle by blocking intersections.

IV. PROCEDURE

A. Authorized Reasons to Initiate Pursuit

1. Pursuit of a vehicle is authorized only when the offense for which the suspect is being pursued is one of the following:
 - a. Criminal: Felony or the officer has reason to believe a

felony has occurred or is occurring.

- i. In order for 2nd Degree Assault on a police officer to be a felony; physical injury means any impairment of physical condition, excluding minor injuries, and a person may not intentionally cause physical injury to another if the person knows or has reason to know that the other is a law enforcement officer engaged in the performance of the officer's official duties.

b. Traffic:

- i. Reasonable articulable suspicion of driving under the influence of alcohol or narcotics (misdemeanor); and
- ii. Hit-and-run, personal injury collision when the officer has reasonable cause to believe serious physical injury has occurred (felony).

B. Safety

1. Deciding to pursue is a process of weighing the hazards of the pursuit against the hazards created by the violator; good judgment in weighing these risks is essential.
2. The seriousness of the offense involved does not lessen the officer's liability and/or duty to all people, including the officer and fellow officers, to drive with due regard for the safety of all.
3. Senior officers who are passengers in pursuing vehicles will be held responsible as well as the operators of the vehicles.

C. Approval to Continue Pursuit

1. Except for pursuits for felonies of a violent type, the officer must receive immediate approval from a sworn supervisor to continue the pursuit, based on the following information:
 - a. Reason for the pursuit;
 - b. Seriousness of the crime; and
 - c. Safety concerns, to include:

- i. Location of the pursuit;
 - ii. Time of day;
 - iii. Amount of vehicular and pedestrian traffic in the area;
 - iv. Weather conditions;
 - v. Condition of the road surface; and
 - vi. Speed of the pursuit, etc.
2. When notified of a pursuit, the Public Safety Communications Center (PSSC) will:
 - a. Attempt to notify a sworn supervisor from the Gaithersburg Police Department and/or MCPD.
 - i. The sworn supervisor will either approve or call off the pursuit based on the above criteria.
 - ii. If the (PSSC) is unable to raise a sworn supervisor, the officer will be advised that a sworn supervisor could not be contacted. The officer must acknowledge this message and terminate the pursuit (except for a felony of a violent type).
 - b. Notify the appropriate district executive officer or the Duty Commander of the pursuit.

D. Terminating Pursuit

1. Danger to Officer and Public – Pursuits will be terminated when the officer believes that the dangers to officers and the public outweigh the advisability of continuing.
2. Supervisor Responsibility – When, in the sworn supervisor's judgment, the dangers outweigh the advisability of continuing, the supervisor shall direct the discontinuance of the pursuit.
3. Factors in a Pursuit – Pursuits will be terminated regardless of the seriousness of the crime when weather, traffic, road conditions, locale, or the hazards created by the pursuit (i.e. speed or driving on the wrong side of the road, etc.) make further pursuit unreasonably hazardous, or when the distance from the pursued vehicle is too great to justify continuing the pursuit.

4. Operator Identity is Known – Pursuits will be terminated when the identity of the operator is known unless there is continued authorization from the supervisor, or if the pursuit is for a felony of a violent type. .
5. If the pursuit is terminated, further use of a police vehicle in a “surveillance mode” is prohibited.

E. Driving Procedures

1. Speed – An officer shall not, under any circumstances, pursue at a speed so great as to render the police vehicle uncontrollable.
2. Radio Communication
 - a. When a vehicle attempts to elude an officer or drives in a manner endangering others, the pursuing officer shall start and maintain communication with the dispatcher, including identifying the unit, location, direction of travel, license number/description of the vehicle and the charges against the violator.
 - b. To ensure that all personnel are receiving the most accurate and up to date information, pursuits will be conducted only on the district talk group originating the pursuit. If applicable, any controlled units from other districts will advise their respective dispatcher they are assisting and switching to that talk group.
 - c. Officers making transmissions relating to the pursuit on the improper talk group will be advised by the dispatcher to switch to the appropriate talk group.
3. PSSC Responsibility
 - a. PSSC dispatchers will ensure that the pursuing talk group remains open by putting a restricted air in effect.
 - b. When geographically appropriate, PSSC dispatchers on the non-pursuing talk group may announce the specifics of the pursuit but will not continue to broadcast updates.
 - c. PSSC supervisors will ensure the pursuit is coordinated on the primary talk group only.

4. Helicopter Assistance – At the request of a supervisor, Public Safety Communications Center will request helicopter assistance, if available.
5. Emergency Equipment – All emergency equipment will be used throughout a pursuit.
6. Other Units Involved
 - a. Once an officer announces a pursuit is in progress, units in the area should position themselves at locations thought to be helpful in the apprehension and shall notify the dispatcher of their locations.
 - b. Only a reasonable amount of police vehicles will be actively engaged in the pursuit unless a sworn supervisor, based on the following, authorizes more units:
 - i. Seriousness of the charge;
 - ii. Number of suspects in the pursued vehicle;
 - iii. Known weapons in suspect's possession; or
 - iv. Increased hazards caused by numerous pursuit vehicles.
7. GPD Vehicles with Non-Police Passengers – Under no circumstance will an officer become involved in a pursuit situation with a civilian passenger other than a certified police officer.
8. Unmarked Police Vehicles
 - a. Officers operating unmarked police vehicles will not actively join into pursuits when there are two or more marked police vehicles already engaged, unless specifically authorized to do so by a supervisor.
 - b. Officers utilizing these types of vehicles may initiate and maintain a pursuit if the criteria for pursuit have been met. However, upon the arrival of marked police vehicles, the officer in the unmarked vehicle will defer the lead position to marked vehicles, as safety permits, and assume a secondary support position.
 - c. Officers utilizing unmarked police vehicles and the on-duty supervisor will be cognizant of the additional risk involved

with these vehicles in a pursuit situation and will consider that risk as an additional factor in determining whether or not a pursuit is to be terminated.

d. Covert vehicles used for surveillance and non-pursuit rated police vehicles will not be used in pursuits, except for the following reasons and conditions:

i. When the officer reasonably believes that pursuing the suspect vehicle is necessary to:

a) Apprehend a suspect when the officer has probable cause to believe:

1) The crime committed was a felony of the violent type (one which involves the infliction or threatened infliction of serious physical injury or death); and

2) Probable cause exists that the suspect committed the felony of a violent type; and

3) The suspect fleeing poses an imminent threat of death or serious physical injury to the officer or other persons.

ii. If the above conditions are met, the officer may temporarily engage in a vehicle pursuit for the sole purpose of summoning patrol vehicle(s).

a) Once two (2) or more patrol vehicles are within sight of the suspect vehicle, the covert or non-pursuit rated vehicle(s) shall immediately disengage from the pursuit.

b) The decision to pursue or continue to pursue the suspect vehicle is still subject to the Safety Considerations listed in Section IV. B. Safety of this General Order.

9. Driving on One-Way Streets – Officers are discouraged from driving their vehicles the wrong way on a one-way street or highway, unless absolutely necessary.

F. Pursuits into Other Jurisdictions

1. Other Jurisdictions – For the purpose of this directive, “other jurisdictions” refers to crossing the Montgomery County line into another Maryland County, Virginia or the District of Columbia.
2. Hazards – When engaged in pursuit of a fleeing suspect across jurisdictional lines, officers face the hazards of unfamiliarity with the area and decreased communications capability.
3. Authorized Reasons for Continuing a Pursuit – Officers may continue a pursuit into another jurisdiction only when an officer has probable cause to believe the crime committed was a felony of a violent type.
4. Arrests Outside of the City – Officers may arrest an individual after a legal pursuit out of the City:
 - a. If the arrest occurs within Maryland, officers will retain custody of the individual unless the jurisdiction entered places charges of its own. The driver of a vehicle involved in a pursuit will be taken before a Court Commissioner, rather than given the opportunity to sign criminal and/or traffic citations.
 - b. If the arrest occurs outside of Maryland, officers will relinquish the individual to the law enforcement agency of the entered jurisdiction. In this situation, custody of the individual should be processed through extradition procedures.
5. Vehicle Use in Other Jurisdictions
 - a. All emergency equipment will be activated while engaged in pursuits.
 - b. No more than two GPD vehicles will cross into another jurisdiction while engaged in a pursuit, unless authorized by a sworn GPD supervisor.
 - c. As soon as practicable, relinquish lead of the pursuit to the local jurisdiction, with the units from the initiating jurisdiction continuing in support.
 - d. Vehicles will be operated with due regard for road conditions and public safety.

- e. The pursuit will be abandoned if elements such as weather, road, and traffic conditions make further pursuit unreasonably hazardous.
- 6. Communications
 - a. PSSC personnel will coordinate the response.
 - b. The jurisdictions will be advised which Montgomery County talk group the pursuit is being conducted on and will be asked for the entered jurisdiction talk group so it may be forwarded to responding units.

G. Pursuits Discontinued at the Montgomery County Line

- 1. “Surveillance Mode” Prohibited
 - a. If a pursuit is discontinued at the Montgomery County line, further use of a police vehicle in a “surveillance mode” outside of the County is prohibited.
 - b. This does not prohibit covert vehicles from conducting authorized surveillances in other jurisdictions during non-pursuit situations.
- 2. Notification to Other Jurisdiction
 - a. When the fleeing vehicle is engaged in a continuing crime (i.e. DWI or continuing felony theft, etc.), officers will transmit a description of the suspect/vehicle, the charge(s), and direction of travel to PSSC personnel.
 - b. PSSC will relay the information to the jurisdiction entered.

H. Joining Pursuits Initiated by Other Agencies/Jurisdictions

- 1. When there is a pursuit in the county that was initiated by another agency, including pursuits that enter the City from another jurisdiction, PSSC will advise the patrol supervisor of the pursuit and the name of the talk group the other agency is using. The GPD supervisor will determine if GPD officers are to join the pursuit based on the following:
 - a. The offense for which the suspect is wanted; and
 - b. The offense meets the criteria for pursuits identified within Section IV. (Procedure) of this directive.

2. If the criteria for pursuits within Section IV. A. are not met, GPD officers will not join in the pursuit.
 - a. PSSC will monitor the pursuit and inform officers of the location of the other agency's unit(s).
 - b. GPD officers should position themselves to ensure sufficient backup to the pursuing unit(s) should the suspect(s) bail out, wreck, attack the pursuing officer(s), etc., while in the City.

I. Reporting and Administrative Review Process

1. Completion of Pursuit Report
 - a. As soon as practical after the pursuit, a Pursuit Report will be completed and submitted for supervisory and administrative approval and review for:
 - i. A pursuit as defined in Section III. A. (Vehicular Pursuit definition);
 - ii. Any pursuit in which at least one GPD officer actively participates (no matter which agency initiates the pursuit).
 - b. The shift supervisor's review of the Pursuit Report will ensure that the pursuit was initiated and conducted in accordance with Department policies and procedures, and to identify any training needs of an in-service or remedial nature. When reviewing the Pursuit Report, supervisors should review:
 - i. Tactics used during the pursuit;
 - ii. Strategies employed by all involved officers;
 - iii. All in-car camera and body-worn cameras (BWC) videos of involved officers in the pursuit as well as those officers responding to assist in the pursuit.
 - iv. Any officer safety concerns that are at issues;
 - v. PSSC involvement in the pursuit;
 - vi. The contents of the telephone and/or radio tapes, and

Pursuit Report as they relate to the pursuit; and

vii. Anything else to be discussed as directed by the Chief of Police, other command staff member or supervisor.

c. Upon signing the Pursuit Report, the shift supervisor will forward it via the chain-of-command for further review by command staff.

d. The Pursuit Report is considered an internal Department document and will be maintained in the Accreditation Manager's Office.

e. If a pursuit directly results in a collision, a copy of the ACRS Report will accompany the Pursuit Report.

2. Pursuit Report Review Process

a. Once the Pursuit Report is completed by the officer, the shift or unit supervisor will review it for accuracy and completeness, and then forward the Report to his or her bureau commander without unnecessary delay.

b. The bureau commander will also review the Pursuit Report for accuracy and completeness, and then forward the Report to the Pursuit Review Committee without unnecessary delay.

c. Pursuit Report Review Committee (who is made of up of officers selected by the Chief of Police) will review the Pursuit Report for the following:

i. Tactics used during the pursuit;

ii. Strategies employed by all involved officers;

iii. All in-car camera and body-worn cameras (BWC) videos of involved officers in the pursuit as well as those officers responding to assist in the pursuit.

iv. Any officer safety concerns that are at issues;

v. PSSC involvement in the pursuit;

vi. The contents of the telephone and/or radio tapes, and Pursuit Report as they relate to the pursuit; and

- vii. The Pursuit Review Committee will make a recommendation on whether the pursuit was within policy or not and/or identify any training and/or policy issues.
 - d. The Pursuit Review Committee will forward the Pursuit Report and their recommendation(s) to the appropriate Bureau Commander, who will conduct the same review as described in Section I. 2. a. (Pursuit Review Process).
 - e. The appropriate Bureau Commander will forward his or her recommendations, along with the Pursuit Report to the Chief of Police as soon as practical.
 - f. The Chief of Police will conduct a final review of the Pursuit Report and make a determination on whether the pursuit was within policy and if there were any training issues and/or policy issues.
 - i. If the administrative review identifies the need for in-service or remedial training, a copy of the Pursuit Report, along with any recommendations concerning the training needed, will be forwarded to the Department's Training Coordinator, who will review the Pursuit Report and provide input to the Chief of Police regarding the type of training that would best suit the Department's needs.
 - ii. Any training associated with a review of the Pursuit Report will be documented and attached to the Report.
 - g. Officers involved in the pursuit will be notified of the Review findings.
 - 3. PSSC Recordings
 - a. As soon as practical after the pursuit, the shift supervisor will request a copy of the radio recording from the PSSC.
 - b. See General Order 605.2 for procedures for acquiring PSSC recordings.
 - 4. Critique of Pursuit

- a. As soon as practical after the pursuit, the GPD supervisor of officers involved in the pursuit, should arrange for an informal critique of the incident; and
 - i. The purpose and scope of the critique is to identify both positive and negative aspects of the pursuit with officer and civilian safety as the primary consideration.
- 5. Documented Annual Analysis
 - a. The Administrative Bureau Commander, or his designee, is responsible for conducting an annual documented analysis of vehicular pursuits, the pursuit policy and reporting procedures. The analysis is provided to the Chief of Police for review at the beginning of each calendar year, for the prior year.
 - i. Even if there are no vehicle pursuits there will still be a documented annual review of the policies, procedures and practices associated with the reporting process.
 - b. If the documented analysis indicates any cause for policy change, retraining or other action, it will be initiated by the Command Staff.